

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

LEO CULLINAN

Plaintiff,

v.

CATHOLIC MEDICAL CENTER; GRANITE ONE
HEALTH; JOSEPH PEPE, MD; ALAN FLANIGAN,
MD; HOLLI HOLBROOK, RN; UNKNOWN
“CHARGE NURSE”; LEIGH-ANN ALBANESE, RN;
UNKNOWN PATIENT LIASION; STEPHEN SAGE;
ALBERTO OYOLA; JAMES DEROCHE; ZAKERY
CHIVELL; DANIEL MONToya; EDWARD
WEEKS; PARKLAND MEDICAL CENTER; ALI
KHAIRAT, MD; LARRY KESSLER, MD; MADISON
FIASXONARO, MD; THOMAS GALLAGAR, MD;
UNKNOWN GALTH, MD; UNKNOWN INTAKE
NURSE; MANCHESTER POLICE DEPARTMENT,
ALLEN ALDENBERG; AUSTIN BIERY; ROGERIO
DIAS; RYAN GARLAND; UNKNOWN NOCELLA;
MAX CASTRICAL; AND STEPHEN BATES.

Docket No. 1:22-CV-00563

Defendants.

JOINT MOTION TO EXTEND TIME FOR SERVICE

Defendants, by and through their attorneys, respectfully request that this Court allow them an additional 30 days (i.e., until August 12, 2023) to identify and serve Plaintiff's representative(s) and successor(s) as described in this Court's Order dated June 30, 2023, stating as follows:

1. On June 21, 2023, Defendants filed a Suggestion of Death on the records regarding *pro se* Plaintiff, Leo A. Cullinan.
2. On June 30, 2023, this Court ordered that, on or before July 12, 2023, Defendants “shall identify the person who is plaintiff's representative and the persons who are his likely successors and serve a copy of the original complaint in this case, the suggestion of death, and this order on them consistent with Federal Rule of Civil Procedure 4.”

3. Defendants require additional time to identify and serve Plaintiff's representative and likely successors.

4. Defendants have identified and obtained contact information for the adult Plaintiff's parents, however, they are still in the process of identifying same for Plaintiff's minor child and his or her legal guardian, as well as Plaintiff's adult brother, who was purportedly involved in filing the underlying Complaint.

5. Upon identifying the appropriate individuals and their respective contact information, additional time will be needed to effectuate service via a process server or Sheriff.

WHEREFORE, Defendants respectfully requests that this Honorable Court:

A. Allow Defendants an additional 30 days, until August 12, 2023, to complete service as described in this Court's Order dated June 30, 2023.

B. Grant any other relief deemed fair and just.

Respectfully submitted,

Catholic Medical Center and Granite One Health,

Dated: July 12, 2023

MORRISON MAHONEY LLP

By: /s/ William N. Smart

William N. Smart, #18357
wsmart@morrisonmahoney.com
Erin M. Hoefler, #265356
ehoefler@morrisonmahoney.com
650 Elm Street, Suite 201
Manchester, NH 03101
Phone: 603-622-3400
Fax: 603-622-3466

Manchester Police Department, Allen Aldenberg, Austin Biery, Rogerios Dias, Ryan Garland, Brendan Langton, Unknown Nocella, Max Castrical, Stephen Bates

/s/ Dona Feeney

Dona Feeney, Esq.
Friedman Feeney, PLLC
95 N State St, Ste 5
Concord, NH 03301

Thomas Gallagher and Larry Kessler

/s/ Joshua D. Hadriaris

Joshua D. Hadriaris, Esq.
Norman, Hanson & Detroyn, LLC
Two Canal Plaza
PO Box 4600
Portland, ME 04112-4600

Parkland Medical Center and Ali Khairat

/s/ Elizabeth Ewing

Elizabeth Ewing, Esq.
Wadleigh Peters Starr
95 Market Street
Manchester, NH 03101

CERTIFICATE OF SERVICE

I hereby certify that on this day I forwarded a copy of the foregoing via first class mail, portage prepaid, direct to:

Leo Cullinan
14 Country Club Drive, Apt. 25
Manchester, NH 03012
Pro Se Plaintiff

And, via ECF only to the following counsel of record:

Dona Feeney, Esq.
Friedman Feeney, PLLC
95 N State St, Ste 5
Concord, NH 03301
Counsel for Manchester Police Department,

*Allen Aldenberg, Austin Biery,
Rogerios Dias, Ryan Garland,
Brendan Langton, Unknown Nocella,
Max Castrical, Stephen Bates*

Joshua D. Hadriaris, Esq.
Norman, Hanson & Detroyn, LLC
Two Canal Plaza
PO Box 4600
Portland, ME 04112-4600
*Counsel for Thomas Gallagher and
Larry Kessler*

Elizabeth Ewing, Esq.
Wadleigh Peters Starr
95 Market Street
Manchester, NH 03101
*Counsel for Parkland Medical Center and
Ali Khairat*

/s/ William N. Smart
William N. Smart